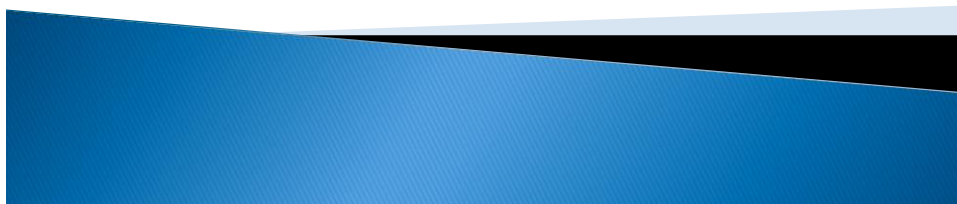




# Use of Force Issues and Body-Worn Cameras

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## Overview

- ▶ Introduction & Goals
- ▶ BWC and Use of Force Factors
- ▶ Discussion Topics
- ▶ Questions and Answers
- ▶ Closing remarks



## Introduction

James R. “Chip” Coldren  
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## Workshop Goals

- ▶ Explore the connections between BWCs and use of force issues
- ▶ Focus on several key issues
- ▶ Discuss how BWC grant agencies are experiencing these issues
- ▶ Discuss principles and recommendations for managing BWCs and use of force issues



## BWC and Use of Force Connections

- ▶ **Goals of BWC programs** – transparency and trust  
v. effectiveness and officer accountability
- ▶ **Key BWC connections to police use of force**
  - ▶ Complaints
  - ▶ Training
  - ▶ Investigations
  - ▶ Community oversight and engagement



## Discussion Topic #1

What are the key areas of overlap between BWC and use of force policies, particularly regarding:

- ▶ officer review of video after a use of force incident,
- ▶ supervisory review of use of force incidents, and
- ▶ public release of a BWC video with use of force?



## Key Overlaps Between BWC & Use of Force Policies

Important questions departments should address:

- ▶ Should officers be allowed to view a BWC video of an incident prior to completing their official report about their use of force?
- ▶ What are supervisory responsibilities in reviewing BWC footage for use of force violations?
- ▶ When and under what conditions should a BWC video of use of force be released (limited release v. full public release)?



## Should Officers Be Allowed to View BWC Video?

Organization	Recommendation
LRIS (Unions) <sup>1</sup>	Officers should be allowed to view their BWC footage and other officers' BWC videos in the presence of their attorney or labor representative prior to giving a formal statement about a use of force or any disciplinary investigation.
PERF <sup>2</sup>	Many police executives believe that allowing officers to review body-worn camera footage prior to making a statement about an incident in which they were involved provides the best evidence of what actually occurred. PERF agrees
IACP <sup>3</sup>	If an officer is involved in misconduct, officer involved shooting, or other serious use of force, the department reserves the right to limit or restrict an officer from viewing the video file.
ACLU <sup>4</sup>	No law enforcement officer shall review or receive an accounting of any body camera video footage prior to completing any required initial reports, statements and interviews regarding the recorded event

<sup>3</sup> <http://www.aele.org/iacp-bwc-mp.pdf>

<sup>4</sup> [https://www.aclu.org/files/field\\_document/aclu\\_police\\_body\\_cameras\\_model\\_legislation\\_may\\_2015.pdf](https://www.aclu.org/files/field_document/aclu_police_body_cameras_model_legislation_may_2015.pdf)



## Supervisory Responsibilities

Organization	Recommendation
LRIS (Unions) <sup>1</sup>	Supervisors and internal affairs personnel may access DME for administrative investigations. Other than periodic supervisory reviews to ensure that equipment is functioning properly, the scope of the review of DME should be limited to the specific complaint against the officer. Inadvertent discovery of other allegations during this review shall require the supervisor to articulate the purpose of expanding the scope.
PERF <sup>2</sup>	Supervisors should review footage when investigating a complaint or an incident in which the officer was involved, for training, performance during probationary period, officer had a pattern of allegations, officers in need of more intense review.
IACP <sup>3</sup>	Supervisors should randomly review BWC footage to ensure equipment is operating, officers are using BWC properly and within policy, and to identify areas of training.
ACLU <sup>4</sup>	The use of recordings should be allowed only in internal and external investigations of misconduct, and where the police have reasonable suspicion that a recording contains evidence of a crime.

<sup>1</sup> <http://www.lris.com/wp-content/uploads/2014/09/Model-Body-Camera-Policy.pdf>

<sup>2</sup> <https://www.justice.gov/iso/opa/resources/472014912134715246869.pdf>

<sup>3</sup> <http://www.aele.org/iacp-bwc-mp.pdf>

<sup>4</sup> [https://www.aclu.org/files/field\\_document/aclu\\_police\\_body\\_cameras\\_model\\_legislation\\_may\\_2015.pdf](https://www.aclu.org/files/field_document/aclu_police_body_cameras_model_legislation_may_2015.pdf)



## Release of BWC Video

Organization	Recommendation
LRIS (Unions) <sup>1</sup>	All stored video is subject to release in accordance with the state public records retention laws. Officers shall be provided with at least one week's notice of any public requests made to review video from their body-worn cameras.
PERF <sup>2</sup>	Agencies should have clear and consistent protocols for releasing recorded data externally to the public and the news media. Each agency's policy must be in compliance with the state's public disclosure laws.
IACP <sup>3</sup>	IACP Model Policy is silent on the public release of BWC video. It does state that all access must specifically authorized by the CEO or his/her designee
ACLU <sup>4</sup>	Public disclosure should be allowed with the consent of the subjects (officer, suspect, victim, detainee). Redaction should occur when feasible. The exception is for those recordings of misconduct and public oversight is required.

<sup>1</sup> <http://www.lris.com/wp-content/uploads/2014/09/Model-Body-Camera-Policy.pdf>

<sup>2</sup> <https://www.justice.gov/iso/opa/resources/472014912134715246869.pdf>

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## Discussion Topic #2

What role does (or will) body worn camera footage play in the use of force training provided to officers, especially regarding de-escalation and conflict resolution training?



## Role of BWC Footage In Use of Force Training

- ▶ BWC footage can be an excellent Use of Force policy, procedure and training feedback tool.
- ▶ Documents quality of officer Use of Force decisions
- ▶ Can help identify policy, operational and training shortcomings
- ▶ Reinforces policy
- ▶ Documents interactions to include de-escalation and other communication skills
- ▶ Provides officers with that “hindsight” perspective



## Role of BWC Footage In Use of Force Training (cont.)

- ▶ Instructors must be well trained
- ▶ Should be integrated into multi-level tactics training
- ▶ Can require additional cameras and other resources
- ▶ Best applied to “live” scenarios and can supplement other Use-of-Force simulators



## Discussion Topic #3

What opportunities do community members have for reviewing use of force issues and policies affecting your department, and where are these issues reflected in your department’s policies?



## Community Members Reviewing Use of Force Issues and Policies

- ▶ Policies and Written Directives
  - ▶ [http://www.faypd.com/files/WDandOP\\_Interactive\\_Directives\\_Guide\\_5\\_16\\_2016.pdf](http://www.faypd.com/files/WDandOP_Interactive_Directives_Guide_5_16_2016.pdf)
- ▶ North Carolina General Statute and Community Review Board
  - ▶ Chain of Command Review Board
  - ▶ Chief's Advisory Council
- ▶ Fayetteville Police Department Open Data Portal
  - ▶ [http://data.fayettevillenc.gov/datasets?q=use+of+force&sort\\_by=relevance](http://data.fayettevillenc.gov/datasets?q=use+of+force&sort_by=relevance)



## Community Members Reviewing Use of Force Issues and Policies (cont'd)

- ▶ Community meetings
  - ▶ neighborhood watches and city wide meetings
- ▶ Increased transparency through organizational relationships
  - ▶ American Civil Liberties Union (ACLU), National Association for the Advancement of Colored People (NAACP), and the Southern Coalition for Justice
  - ▶ <https://opendatapolicingnc.com/agency/88/>





## Q & A

- What are your thoughts?

